

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re. ANTHONY MOORE,
Petitioner.

No. C 06-3858 MHP (pr)

ORDER OF DISMISSAL

This action was opened when the court received from petitioner a letter indicating that petitioner wanted to file a habeas action. The court ordered petitioner to file a habeas petition no later than December 8, 2006, and cautioned that the action would be dismissed without prejudice if he did not file a habeas petition by that deadline. The deadline has long passed and petitioner did not file a habeas petition. In fact, the order sent to petitioner was returned to the court undelivered marked with a notation that it was being returned because the inmate's "name & CDC # do not match." The court used the CDC number petitioner provided; there is no point in sending the undelivered order again.

This action therefore is dismissed because petitioner did not file a habeas petition as ordered by the court. The dismissal is without prejudice to petitioner filing a new action in which he petitions for writ of habeas corpus.

IT IS SO ORDERED.

DATED: March 7, 2007


Marilyn Hall Patel
United States District Judge